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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANTHONY CIARNIELLO,
LONNY REISMAN,
and CHARLES BLANKSTEEN

Appeal 2014–002265
Application 12/418,607
Technology Center 3600

Before ANTON W. FETTING, NINA L. MEDLOCK, and
BRUCE T. WIEDER, *Administrative Patent Judges.*

FETTING, *Administrative Patent Judge.*

DECISION ON REQUEST FOR REHEARING

STATEMENT OF THE CASE

This is a decision on rehearing in Appeal No. 2014-002265. We have jurisdiction under 35 U.S.C. § 6(b).

Requests for Rehearing are limited to matters misapprehended or overlooked by the Board in rendering the original decision, or to responses to a new ground of rejection designated pursuant to § 41.50(b). 37 C.F.R. § 41.52.

ISSUES ON REHEARING

Appellants contend that Knaus does not teach or suggest "deriving clinical information" from the health plan claims data, "reflecting the presence of a medical condition based on an analysis of at least the claims data." Request 3.

ANALYSIS

We found in our decision that the rejection of claims 1–33 is proper. Decision 11.

The Appellants argue that Specification paragraphs 14, 41, 47, and 62 describe this "deriving" differently than in the prior art. Request 3–4.

The only one of these paragraphs Appellants argued previously before us is paragraph 14. App. Br. 14–15; Reply Br. 3. Arguments related to the remaining paragraphs are accordingly deemed waived as we were not placed in a position to consider them.

As to paragraph 14, Appellants contend that "deriving clinical information from claims data requires that the data be stored in 'a unique data repository, called the Data Vault.'" Request 3. The claims make no mention of a data vault. The closest the claims come to this is aggregating data in a computer, an inherent requirement of any data processing process. Paragraph 14 recites that "[t]he present invention securely aggregates and standardizes clinical data derived from a variety of sources and stores it on a patient-specific basis in a unique data repository, called the Data Vault." Spec. para. 14. Of this, claim 1 recites the aggregation from plural sources, and even that is not in the "deriving" limitation argued. Appellants chose to

omit the remaining characteristics from paragraph 14 to broaden the claim scope.

> Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment.

Superguide Corp. v. DirecTV Enterprises, Inc., 358 F.3d 870, 875 (Fed. Cir. 2004).

The Appellants' arguments are not commensurate with the scope of the claims as drafted.

CONCLUSION

Nothing in Appellants' request has convinced us that we have overlooked or misapprehended the prior art and claim limitations as argued by Appellant. Accordingly, we deny the request.

DECISION

To summarize, our decision is as follows:

- We have considered the REQUEST FOR REHEARING
- We DENY the request that we reverse the Examiner as to claims 1–33.

REHEARING DENIED